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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,158	05/23/2002	Craig Abruzzo	6208-007US	8191
27383 7590 08/23/2007 CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			EXAMINER STORK, KYLE R	
			ART UNIT 2178	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/980,158

Applicant(s)

ABRUZZO ET AL.

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This non-final office action is in response to the Request for Continued Examination filed 21 June 2007.
2. Claims 1-21 are pending. Claims 1 and 13 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (US 6473892, filed 31 December 1998), in view of Ferrel et al. (US 5860073, filed 17 July 1995, hereafter Ferrel), and in further view of Smith et al. (US 6052693, filed 2 July 1996, hereafter Smith), and in further view of Tozzoli et al. (US 6151588, filed 9 February 1998, hereafter Tozzoli).

In regard to independent claim 1, Porter discloses an object-oriented system for assembling a document (Porter Abstract), the system comprising; a plurality of terms (Porter Col 5 Lines 21-25 i.e. words); a plurality of objects (Porter Col 7 Lines 19-27), and at least one of said plurality of objects including at least one of said plurality of terms (Porter Col 5 Lines 21-25 i.e. words); at least one of said conditions including at least one of said plurality of terms or a value of an object tag; and wherein the instruction comprises an action to be taken to assemble the document; and; wherein, when the condition of one of said plurality of grammar lines is true,

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then said instruction associated with said condition is executed thereby assembling at least a portion of said document by insertion of the object body. (Porter Col 5 Lines 21-25 i.e. words) (Porter Abstract)

Porter does not mention each of said plurality of objects including an object tag and an object body. However, Ferrel mentions the story objects themselves having formatting tags (Ferrel Col 19 Lines 44-51). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of including object tags to identify a portion of the content and displaying the content as taught by Ferrel Col 3 Lines 32-38.

Porter does not mention a plurality of grammar lines, each of said plurality of grammar lines including a condition and an instruction and all instructions needed for crating the document are contained in the grammar lines; when the condition of one of said plurality of grammar lines is true. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). Smith also mentions a return of True if certain conditions are met (Smith Col 10 Lines 38-40). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens as taught by Smith Col 19 Lines 12-18.

Porter does not mention a transaction file comprising a plurality of terms comprising data descriptive of one or more financial transactions performed by a trading system. However, Tozzoli mentions a trading system that is used for financial transactions (Tozzoli Col 4 Lines 53 through Col 7Line 65). It would have been obvious to one of ordinary skill in the art the apply

Tozzoli to Porter, providing Porter the benefit of having a financial trading systems, which would assist a user in trading strategies.

In regard to dependent claim 3, Porter discloses wherein at least one of said plurality of objects includes the object body comprises a fixed text portion. (Porter Col 1 Lines 19-21)

In regard to dependent claim 4, Porter does not mention wherein at least one of said plurality of objects includes the object body comprises a visual image. However, Ferrel mentions wherein an object can be an image (Ferrel Col 7 Lines 60-62). ). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of having an object the is an images for the benefit of having several object to choose from rather than text as taught by Ferrel Col 7 Lines 60-62.

In regard to dependent claim 5, Porter does not mention wherein said at least one instruction includes at least one of said object tags and executing said instruction includes inserting said object body associated with said at least one of said object tags into said document. However, Ferrel mentions the story objects themselves having formatting tags (Ferrel Col 19 Lines 44-51 and Col 31 Lines 7-11 i.e. styles corresponding to tags and inserted into the control). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of including object tags to identify a portion of the content and displaying the content as taught by Ferrel Col 3 Lines 32-38 and to inserting into the control so the system begins recurring up through node to node wherein it determines that more children exist as taught by Ferrel Col 31 Lines 7-21.

In regard to dependent claim 6, Porter does not mention wherein each of said plurality of grammar lines includes a grammar tag, said instruction includes at least one of said grammar tags

and executing said instruction includes testing said condition associated with each of said plurality of grammar lines having said at least one of said grammar tags, and executing said instruction associated with said condition associated with one of said plurality of grammar lines having said at least one of said grammar tags if said condition is true.

However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). Smith also mentions a return of True if certain conditions are met (Smith Col 10 Lines 38-40). Smith also mentions a Test condition that is performed (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art to apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

In regard to dependent claim 7, Porter does not mention wherein each of said plurality of grammar lines includes a grammar tag and at least two of said plurality of grammar lines have identical grammar tags. However, Smith mentions a tag research hit that is identical (Smith Col 31 Lines 62-67). It would have been obvious to one of ordinary skill in the art to apply Smith to Porter, providing Porter the benefit of identical tags for a different option for research hits for unification as taught by Col 31 Lines 38-67 and Col 32 Lines 1-5.

In regard to dependent claim 8, Porter does not specifically mention wherein said conditions of said at least two of said plurality of grammar lines are mutually exclusive. However, Smith mentions mutually exclusive values (Smith Col 14 Lines 63). It would have been obvious to one of ordinary skill in the art to apply Smith to Porter, providing Porter the benefit of having mutually exclusive values important to the data entry step which involves

taking a source document and placing it into an electronic document source as taught by Smith Col 14 Lines 48-67.

In regard to dependent claim 9, Porter discloses said instruction associated with said one of said at least two of said plurality of grammar lines including said default tag is executed.(Porter Abstract compiled and executed)

Porter does not mention wherein one of said at least two of said plurality of grammar lines includes a default tag. However, Ferrel mentions the story objects themselves having formatting tags (Ferrel Col 19 Lines 44-51 and Col 31 Lines 7-11 i.e. styles corresponding to tags and inserted into the control and Col 42 Lines 49 i.e. default). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of including object tags to identify a portion of the content and displaying the content as taught by Ferrel Col 3 Lines 32-38 and to inserting into the control so the system begins recurring up through node to node wherein it determines that more children exist as taught by Ferrel Col 31 Lines 7-21.

Porter does not mention said condition of said one of said at least two of said plurality of grammar lines is always true or if said conditions of said remaining of said at least two of said plurality of grammar lines are not true. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). Smith also mentions a return of true or False if certain conditions are met (Smith Col 10 Lines 38-40 and Col 14 Lines 14-15). Smith also mentions a Test condition that is performed (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.



Porter does not specifically mention wherein said conditions of said at least two of said plurality of grammar lines are mutually exclusive. However, Smith mentions mutually exclusive values (Smith Col 14 Lines 63). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having mutually exclusive values important to the data entry step which involves taking a source document and placing it into an electronic document source as taught by Smith Col 14 Lines 48-67.

In regard to dependent claim 10, claim 10 reflects similar subject matter as claimed in claim 5 and is rejected along the same rationale

In regard to dependent claim 11, Porter discloses assembly of the document begins by executing said instruction .(Porter Abstract compiled and executed)

Porter does not mention where the portion being executed is a plurality of grammar lines. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

Porter does not mention where the grammar lines includes a <start> grammar tag. However, Ferrel mentions a process that begins with a start state (Ferrel Col 16 Lines 30-32). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of having a start tag or state so that there is a definite beginning the document publishing process as taught by Ferrel Col 16 Lines 30-37.



In regard to dependent claim 12, Porter discloses wherein the document is assembled when said instruction associated with one of said portion of said plurality of grammar lines is executed.(Porter Abstract compiled and executed)

Porter does not mention where the portion being executed is a plurality of grammar lines. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37).. It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

In regard to independent claim 13, claim 13 in addition to the following reflects similar subject matter as claimed in claim 1 and is rejected along the same rationale. Further, Smith discloses testing said condition of one of said plurality of grammar lines and executing said instruction associated with said condition if said condition is true. (Smith Col 10 Lines 41-43) (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

In regard to dependent claim 14, Porter discloses wherein at least one of said plurality of objects includes a fixed text portion.(Porter Col 1 Lines 19-21)

Porter does not mention wherein said at least one instruction includes at least one of said object tags and executing said instruction.. However, Ferrel mentions the story objects themselves having formatting tags (Ferrel Col 19 Lines 44-51 and Col 31 Lines 7-11 i.e. styles corresponding to tags and inserted into the control). It would have been obvious to one of

ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of including object tags to identify a portion of the content and displaying the content as taught by Ferrel Col 3 Lines 32-38 and to inserting into the control so the system begins recurring up through node to node wherein it determines that more children exist as taught by Ferrel Col 31 Lines 7-21.

Porter does not mention inserting into said document said at least one of said plurality of objects including a fixed text portion associated with said at least one of said object tags.

However, Ferrel mentions the story objects themselves having formatting tags (Ferrel Col 19 Lines 44-51 and Col 31 Lines 7-11 i.e. styles corresponding to tags and inserted into the control). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of including object tags to identify a portion of the content and displaying the content as taught by Ferrel Col 3 Lines 32-38 and to inserting into the control so the system begins recurring up through node to node wherein it determines that more children exist as taught by Ferrel Col 31 Lines 7-21.

In regard to dependent claim 15, Porter discloses, testing said condition of each of said plurality of grammar lines having said at least one of said grammar tags; and executing said instruction associated with said condition associated with said at least one of said grammar tags if said condition is true.

Porter does not mention wherein each of said plurality of grammar lines includes a grammar tag, said instruction includes at least one of said grammar tags.. However, Ferrel mentions the story objects themselves having formatting tags (Ferrel Col 19 Lines 44-51 and Col 31 Lines 7-11 i.e. styles corresponding to tags and inserted into the control). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit

of including object tags to identify a portion of the content and displaying the content as taught by Ferrel Col 3 Lines 32-38 and to inserting into the control so the system begins recurring up through node to node wherein it determines that more children exist as taught by Ferrel Col 31 Lines 7-21.

Smith mentions testing said condition of one of said plurality of grammar lines and executing said instruction associated with said condition if said condition is true (Smith Col 10 Lines 41-43) (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

In regard to dependent claim 16, claim 16 reflects similar subject matter as claimed in claim 7 and is rejected along the same rationale

In regard to dependent claim 17, claim 17 reflects similar subject matter as claimed in claim 8 and is rejected along the same rationale

In regard to dependent claim 18, Claim 18 in addition to the following reflects similar subject matter claimed in claim 9 and is rejected along the same rationale.

testing said condition of one of said plurality of grammar lines and executing said instruction associated with said condition if said condition is true (Smith Col 10 Lines 41-43) (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

Porter does not mention default tag if said condition of each of said remaining of said at least two of said plurality of grammar lines is not true. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). Smith also mentions a return of true or False if certain conditions are met (Smith Col 10 Lines 38-40 and Col 14 Lines 14-15). Smith also mentions a Test condition that is performed (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

In regard to dependent claim 19, Porter does not mention where the portion being executed is a plurality of grammar lines. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). It would have been obvious to one of ordinary skill in the art the apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

Porter does not mention where the grammar lines includes a <start> grammar tag. However, Ferrel mentions a process that begins with a start state (Ferrel Col 16 Lines 30-32). It would have been obvious to one of ordinary skill in the art the apply Ferrel to Porter, providing Porter the benefit of having a start tag or state so that there is a definite beginning the document publishing process as taught by Ferrel Col 16 Lines 30-37.

Porter does not mention grammar lines with a condition of true. However, Smith mentions a set of grammar rules and word lists (Smith Col 16 Lines 33-37). Smith also mentions a return of True if certain conditions are met (Smith Col 10 Lines 38-40). Smith also mentions a

Test condition that is performed (Smith Col 10 Lines 41-43). It would have been obvious to one of ordinary skill in the art to apply Smith to Porter, providing Porter the benefit of having grammar rules so text that have several words can appear in a single quoted string and can be divided into tokens and tested as taught by Smith Col 19 Lines 12-18.

In regard to dependent claim 20, claim 20 reflects similar subject matter as claimed in claim 12 and is rejected along the same rationale

5. Claims 2 and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Porter, Ferrel, Smith, Tozzoli, and in further view of Atkins (US 5875437, filed 15 April 1997).

In regard to dependent claim 2, Porter does not mention wherein at least one of said plurality of terms includes an economic term associated with a financial transaction and said document is a confirmation of said transaction.. However, Atkins mentions a word processor function (which uses words and terms) for a financial transaction for a SmartWallet or SmartPurse (Atkins Col 60 Lines 26-43). Also Atkins mentions a financial function to verify and confirm transactions (Atkins Col 60 Lines 13-16). It would have been obvious to one of ordinary skill in the art to apply Atkins to Porter, providing Porter the benefit of having a word processor application that uses economic terms to section functions such as application database functions and financial functions to verify transactions as taught by Atkins Col 60 Lines 12- 17 and 26-43.

In regard to dependent claim 21, claim 21 reflects similar subject matter as claimed in claim 2 and is rejected along the same rationale.

*Response to Arguments*

6. Applicant's arguments filed 21 June 2007 have been fully considered but they are not persuasive.

The applicant's first argument is based upon the belief that Porter fails to specifically disclose an object tag, an object body, and a plurality of terms (page 3). The examiner agrees with a portion of this argument. Porter discloses an object (column 7, lines 19-27). This object inherently includes an object body. The examiner agrees with argument that Porter fails to disclose an object tag. This is why the examiner has relied upon Ferrel, which discloses formatting tags (column 19, lines 44-51). It would have been obvious to one of ordinary skill in the art to apply Ferrel to Porter, providing Porter the benefit of including object tags to identify a portion of the content and displaying the content (column 3, lines 32-38).

The applicant's second argument is based upon the belief that Porter does not teach terms (page 4). However, the examiner respectfully disagrees. As stated by the applicant's specification, a term, "is the data underlying the document to be assembled (Specification: page 5, lines 3-4)." Similarly, the terms (words) of Porter are the data underlying the document to be assembled (column 5, lines 21-25).

The applicant's next argument is based upon the applicant teaching object tags as opposed to formatting tags (page 7). However, Ferrel is only relied upon for teaching tagging data (column 19, lines 44-51). This is combined with Porter's teaching of objects to provide the teaching of object tags.

The applicant further argues that Tozzoli and Porter are non-analogous art (pages 8-9). The examiner respectfully disagrees. It has been held that a prior art reference must either be in

the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Porter and Tozzoli deal with generating a document. Therefore, the sources are analogous, and this argument is not persuasive.

The applicant's final argument is based upon the belief that there is no motivation to combine the references (pages 11-14). The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this instance, the examiner has provided motivation found both within the references themselves and in knowledge generally available to one of ordinary skill in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).




If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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